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### REMARKS

#### **I. Status of the Application.**

Claims 1-20 of the Application were pending as of the date of the Office Action. In the Office Action, the Examiner:

- (a) objected to claims 4-10 as being dependent upon a rejected base claim;
- (b) rejected claims 1, 17, 18, and 20 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 1,514,869 to Solosabal et al. ("Solosabal");
- (c) rejected claims 2, 3, and 19 under 35 U.S.C. §103(a) as allegedly being unpatentable over Solosabal as applied to claims 1, 17, and 18, and further in view of U.S. Patent No. 3,614,416 to Fleury ("Fleury"); and
- (d) rejected claims 11-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over Solosabal in view of Fleury.

In this response, Applicants have amended the specification to correct a typographical error, amended claims 1, 5-6, 11, and 17-19 and canceled claims 2-4 and 12-14. Applicants respectfully submit that the foregoing amendments and following remarks incorporated herein overcome the Examiner's rejections and objections to the aforementioned claims and thus, respectfully request the allowance of the pending claims.

#### **II. Applicants' Added Claims Do Not Constitute New Matter.**

Applicants have amended claims 1 and 17 to incorporate the limitations of claim 4. Because these limitations were present in the original claims and are supported by the specification as filed, Applicants respectfully submit that these amendments to claims 1 and 17 do not constitute new matter because the claim 4 limitations were present in the original claims

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and supported by the original filed specification. The amendments to claims 5-6 and 18-19 are made so that these claims properly depend from claim 1 and 17, respectively. The amendments to claim 11 were made to further clarify the claimed method and are supported generally by the originally filed Application. For example, the amendments to claim 11 are supported at pages 7-8 of the Application. Finally, Applicants amendment to the specification merely corrects a typographical error. For these reasons, Applicants respectfully submit that no new matter is added by way of amendment and request that the amendments be entered.

**III. The Objection to Claims 4-10 Should Be Withdrawn.**

The Examiner objected to claims 4-10 because they were dependent upon a rejected base claim, but acknowledged that these claims would be allowable if rewritten in independent form. Based on this conclusion, Applicants have amended claim 1 to incorporate the limitations of dependent claim 4 and the intervening claims 2-3. Applicant has also amended claims 5-10 to properly depend from amended claim 1. Accordingly, Applicants respectfully request that the Examiner withdraw the objections to claims 4-10.

**IV. The Rejection of Claims 1, 17, 18, and 20 Under 35 U.S.C. §102(b) As Being Anticipated By Solosabal Should Be Withdrawn.**

Applicants respectfully submit that the rejection of claims 1, 17, 18, and 20 under 35 U.S.C. §102(b) should be withdrawn because claims 1 and 17 have been amended to incorporate the allowable subject matter of claim 4, and claims 18 and 20 each depend from amended claim 17. A rejection under section 102(b) can be overcome by amending the claims to patentably distinguish over the prior art. MPEP §706.02(a). As noted by the Examiner, the prior art, including Solosabal, does not disclose a ball stud that pivotal connects an adjuster, which

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connects two moveable reflectors, to a ball socket on one of the movable reflectors. (Office Action, p. 6). Applicants have amended both claims 1 and 17 to incorporate this allowable subject matter. Accordingly, Applicants respectfully submit that Solosabal does not disclose the "first ball stud that is threaded through the threaded cylinder and retained by the second reflector's at least one ball socket" of claim 1 nor the "ball stud retained by the second reflector's ball socket and connected to the means for connecting the first reflector to the second reflector, such that when the ball stud is extended or withdrawn, the ball stud will move the second reflector without moving the first reflector" of claim 17. Thus, Applicants respectfully submit that the rejections of amended claims 1 and 17 under 35 U.S.C. §102(b) should be withdrawn because Solosabal does not disclose all the limitations of claims 1 and 17. Similarly, the rejections of claims 18 and 20 under 35 U.S.C. §102(b) should be withdrawn because these claims depend from and incorporate all the limitations of amended claim 17.

**V. The Rejections of Claims 2-3, 11-16, and 19 Under 35 U.S.C. §103(a) Should Be Withdrawn.**

Applicants respectfully submit that the rejections of claims 2, 3, 11-16, and 19 under 35 U.S.C. §103(a) should be withdrawn because claims 2-3 and 12-14 have been cancelled, none of the cited references teach or suggest all the limitations of amended claim 11 and its dependent claims 15-16, and claim 19 depends from an allowable base claim.

**A. The Rejection of Claims 2-3 and 19 Under 35 U.S.C. §103(a) As Being Unpatentable Over Solosabal In View of Fleury Should Be Withdrawn.**

Applicants respectfully submit that the rejection of claims 2-3 and 19 should be withdrawn because claims 2-3 have been canceled and claim 19 depends on amended base claim 17. "If an independent claim is not obvious under 35 U.S.C. §103, then any claim depending

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therefrom is not obvious." MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988)). As explained above, Solosabal does not disclose, teach or suggest the "ball stud retained by the second reflector's ball socket and connected to the means for connecting the first reflector to the second reflector, such that when the ball stud is extended or withdrawn, the ball stud will move the second reflector without moving the first reflector" of claim 17 which corresponds to the allowable subject matter noted by the Examiner. (Office Action, p. 6). Accordingly, Applicants respectfully submit that claim 19 now depends from an allowable base claim and the rejection of claim 19 under 35 U.S.C. §103(a) should be withdrawn.

B. The Rejection of Claims 11-16 Under 35 U.S.C. §103(a) As Being Unpatentable Over Solosabal In View of Fleury Should Be Withdrawn.

Applicants respectfully submit that the rejection of claims 11-16 under 35 U.S.C. §103(a) should be withdrawn because neither Solosabal nor Fleury teach or suggest all the limitations of amended claim 11. Three criteria must be met to establish a *prima facie* case of obviousness: (i) there must be some suggestion or motivation to combine the teachings of two or more prior art references; (ii) there must be a reasonable expectation of success; and (iii) "all of the claim limitations must be taught or suggested by the prior art." MPEP §§ 2143 and 2143.03 (citing *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974)). "If an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is not obvious." MPEP 2143.03 (citing *In re Fine*, 837 F.2d 1382, 1385 (C.C.P.A. 1970)).

Amended claim 11 claims a method that allows for the high beam reflector to be aimed to the low beam reflector and then allows for the vertical aim of both the high beam reflector and low beam reflector to be adjusted simultaneously by extending or withdrawing a ball stud. As

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discussed in the Application, such a method is important because it complies with relatively new federal motor vehicle safety standards that requires that headlamps that comprise a low beam reflector and a high beam reflector have one mechanism for adjusting the aims of both the low beam and high beam reflectors at once. (Application, pp. 1-2).

Applicants respectfully submit that Solosabal in combination with Fleury does not teach or suggest such a method. Rather, Solosabal and Fleury both disclose methods for rotating the headlights of a vehicle in conjunction with the steering of the car. (Solosabal, p. 1, ll. 11-19) (Fleury, Col. 1, ll. 66-75). Solosabal discloses two separate headlight reflectors 17 (not a single headlamp assembly with two reflectors) connected to one another by a connecting rod 28 that connects two yokes 15 located on each reflector. (Fig. 3, p. 1, ll. 8-57). Solosabal uses a screw 22 that is connected to the steering of the car to move one of the reflectors which in turn rotates yokes 15 and connector rod 28 to cause both headlights 17 to move simultaneously. (p. 1, ll. 99-108; p. 2, ll. 58-65). Fleury discloses the use of horizontal rods, spindles, cables, and ball socket joints to connect two separate lamps (not a single headlamp assembly with two reflectors) to the steering of the car so that when the car turns the lamps will be adjusted to correspond to the turning of the car. (Col. 2, ll. 52-75; Col. 3, ll. 1-54).

Applicants respectfully submit that the combination of Fleury and Solosabal do not address the problem of meeting the regulations of adjusting the aim of a high beam reflector and a low beam reflector in a headlamp assembly simultaneously in the same direction. Thus, Applicants respectfully submit that the combination of Fleury and Solosabal teach and suggest a method of adjusting two separate headlights to correspond to the steering of a car and do not teach or suggest "a method for utilizing a single mechanism for vertically adjusting a high beam

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and low beam reflector," as claimed in claim 11. Moreover, the combination of Solosabal and Fleury does not teach or suggest aligning the axis of a one of the reflectors with the axis of the other reflector by extending or withdrawing a ball stud that is connected to the adjuster bracket. (Amended claim 11 comprises the step of "extending or withdrawing the second ball stud to align the second vertical axis of the second reflector with the first vertical axis of the first reflector so the second and first axes are substantially parallel to one another"). Nor does the combination of Solosabal and Fleury teach or suggest then utilizing a second ball stud that connects the adjuster bracket to one of the reflectors to adjust the direction of both reflectors simultaneously as required by the new regulations. (Amended claim 11 claims "extending or withdrawing the first ball stud to simultaneously adjust the first and second reflectors in the same direction and in substantially parallel planes after aligning the first and second vertical axes").

Accordingly, Applicants respectfully submit that the rejections to amended claim 11 under 35 U.S.C. §103(a) should be withdrawn because none of the prior art discloses, teaches or suggests the claimed method of utilizing a single mechanism for simultaneously adjusting the aim of the low beam and high beam reflectors in a headlight assembly. Moreover, Applicants respectfully submit the rejections to claims 12-14 under 35 U.S.C. §103(a) should be withdrawn because these claims were canceled and the rejections to claims 15-16 under 35 U.S.C. §103(a) should be withdrawn because these claims depend from allowable amended claim 11.

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CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that Applicants have made a patentable contribution to the art and that this response places the above-identified application in condition for allowance. Favorable reconsideration and allowance of this Application is therefore respectfully submitted. In the event Applicants have inadvertently overlooked the need for payment of an additional fee, Applicants conditionally petition therefore and authorize any deficiency to be charged to deposit account 09-0007. When doing so, please reference the above-listed docket number.

Respectfully submitted,

ICE MILLER



Alexander D. Forman, #51,691

ICE MILLER

One American Square, Box 82001

Indianapolis, IN 46282-0002

Telephone: (317) 236-5826

Facsimile: (317) 592-5433

Date: November 10, 2005

ADF/njt

Enclosure: Fax Cover Sheet  
USPTO Transmittal Form